

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

PAMELA G. CAPPETTA

Plaintiff,

v.

GC SERVICES, LP

Defendant.

Civil Action
No. 3:08cv288

**PLAINTIFF'S NOTICE OF NON-OPPOSITION TO DEFENDANT'S
MOTION TO FILE EXHIBITS UNDER SEAL**

COMES NOW the Plaintiff, and hereby notifies the Court that she takes the following position with regard to Defendant's Motion to Seal Exhibits E, F and G to its Opposition to Plaintiff's Motion to Amend (Docket No. 140):

The Defendant has moved to seal Exhibit E (American Express standard cardholder agreement); Exhibit F (deposition testimony) and Exhibit G (Robert Cappetta account statements). The Defendant's solitary basis for its motion is that it contends that it previously designated these documents as "Confidential".

Plaintiff's position is that the Defendant's unilateral designation of these documents as Confidential is not sufficient to satisfy this Court's Local Rule 5(C) regarding a party's burden to demonstrate the propriety of filing a document under seal. The Defendant's motion is also deficient as to Local Rule 5(C) in that it fails to cite any case law as to the propriety of its request. This is especially true with regard to the American Express Cardholder Agreement and the deposition testimony (Exhibits E and F, respectively), neither of which rise to the level of a trade secret or would otherwise satisfy Fed. R. Civ. P. 26(c)(1)(F), (G) and (H).¹

¹ By way of example, the Cardholder Agreement has likely been sent to thousands, if not millions of consumers across the country. The deposition testimony is similarly non-sensitive. The Robert Cappetta statements could be filed but redacted to comply with Local Rule 7(C) and FRCP 5.2.

However, in the interest of judicial economy and to the extent that this Court is otherwise inclined to permit the filing of these documents under seal, Plaintiff hereby notifies this Court and opposing counsel that she does not oppose the same.

Respectfully submitted,
PAMELA G. CAPPETTA,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of May, 2009 I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification to the following:

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